

# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

RUDOLPH M. KONRAD  
PATRICK B. McDONNELL  
LINDA ULISS BURKE  
Deputy City Attorneys



OFFICE OF CITY ATTORNEY  
800 CITY HALL  
200 EAST WELLS STREET  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD (414) 286-2025  
FAX (414) 286-8550

February 9, 2005

To the Honorable Common Council  
of the City of Milwaukee  
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.  
for legal fees for Police Officers Dean Newport, Michael Pendergast, Robert  
Lacy and Michael DeStefanis; C.I. File No. 03-S-216; EC 1893

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Dean Newport, Michael Pendergas, Robert Lacy and Michael DeStefanis. The claim is in the amount of \$424.00 including \$6.00 in disbursements for 3.80 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the police officers on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:enm  
Enc.

90038/ 1032-2003-1630

THOMAS O. GARTNER  
BRUCE D. SHRIMPFF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
MICHAEL G. TOBIN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WICK SPOERL  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
MELANIE R. SWANK  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRlich  
LEONARD A. TOKUS  
VINCENT J. BOBOT  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
DAWN M. BOLAND  
KATHRYN M. ZALEWSKI

Assistant City Attorneys

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
(414) 276-8750  
FAX (414) 276-8906

May 9, 2003

Mr. Ronald D. Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202

**RE: MPD Criminal Investigation of POs Dean Newport, Michael Pendergast, Robert Lacy and Michael DeStefanis  
Allegations Regarding Breante L. Coleman  
Date of Incident: September 3, 2002  
Location of Incident: 9051 North 95<sup>th</sup> Street  
EC No.: 1893**

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved the response to a call for a "man with a gun." The MPD cleared the complaint as baseless. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

*Laurie A. Eggert*  
Laurie A. Eggert  
Attorney at Law

JC/ldl  
attachment  
NEWPEN

*1/29/05  
o.k.  
JAS  
Letter 2276*

03 MAY 14 PM 3:42  
CITY ATTORNEY  
RECEIVED

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
(414) 276-8750  
FAX (414) 276-8906

May 8, 2003

Mr. Ronald D. Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee WI 53202

RE: MPD Criminal Investigation re: Breante L. Coleman  
Regarding: POs Dean Newport, Michael Pendergast; Robert Lacy  
and Michael DeStefanis  
Date of Incident: September 3, 2002  
Location of Incident: 9051 North 95th Street

Professional services

	<u>Hours</u>	
9/4/02 Telephone call from PO Newport regarding new criminal investigation; open file; memo to file; office conference with PO Newport; memo to file; office conference with PO Pendergast; memo to file; telephone call to witnesses; telephone call to PO DeStefanis.	2.80	
1/9/03 Fax to DDA Reddin.	0.10	
1/31/03 Telephone call to IAD; correspondence to MPD Open Records.	0.40	
4/18/03 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	3.80	\$418.00

Additional charges:

	<u>Amount</u>
4/18/03 MPD Open Records request	6.00
Total costs	<u>\$6.00</u>
Total amount of this bill	<u>\$424.00</u>
Balance due	<u><u>\$424.00</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT PHYSICAL ABUSE OF A CHILD SS #948.03	DATE OF INCIDENT 09-04-02	DATE OF REPORT 10-04-02	REP CON#
	VICTIM ██████████	LOCATION OF INCIDENT (ADDRESS) 9051 NORTH 95 <sup>TH</sup> STREET		DIST. 4
	VICTIM'S ADDRESS 9051G NORTH 95 <sup>TH</sup> STREET	REPORTED BY COLEMAN, TANYA R. (MOTHER)		

01-AIRCRAFT	09-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
02-ALCOHOL	10-DRUG/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	29-STRUCT-SINGLE DWL	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	36-TOOLS
06-CLOTHES/FURS	12-FARM EQUIPMENT	18-LIVESTOCK	77-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE	25-PURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMBLING EQUIP	20-MONEY	26-RADIO/TV/VCR	33-STRUCT-PUBLIC	99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$
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USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1 2	1 2	1 2	1 2	1 2	1 2
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROME/NICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> SHOTGUN
<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SIMULATED WEAPON
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> SAWED OFF	<input type="checkbox"/> SINGLE BBL
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> SEMI AUTO	<input type="checkbox"/> THROWN OBJECT
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> SHORT/SNUB BBL	<input type="checkbox"/> UNKNOWN

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
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ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
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ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.
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I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
------------	-------------	-------------------------------

RESIDENT OF COUNTY Y N <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
--	--	--	--------------------	---------------------	--

CHARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="checkbox"/> <input type="checkbox"/>
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ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
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ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
---------	------	-------	--------	--------	-------	------	------

ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.
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I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
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RESIDENT OF COUNTY Y N <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
--	--	--	--------------------	---------------------	--

CHARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="checkbox"/> <input type="checkbox"/>
---------	---

V E H	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #
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REPORTING OFFICER <i>Michael Chaperon</i> DET. MICHAEL CHAPERON	PAYROLL # 61823	LOC # 04	ASSISTING OFFICER	SUPERVISOR <i>Det Richard E. Richards</i> 50144	TOTAL ARRESTS 0
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INCIDENT REPORT

2

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Michael CHAPERON, of the Criminal Investigation Unit/Intern Affairs Division (CIU/IAD), early shift.

The investigation of this incident revealed that the victim, Breante L. COLEMAN was resistive during h arrest. It was determined through the investigation that it was his resistive nature and lack of cooperation wït arresting officers that precipitated the officers to use force and it was a dynamic application of a traine technique and accidental fall, which caused Breante COLEMAN's injury.

There is no evidence which shows the actor had any intent on causing Breante COLEMAN's injury, and furthermore, witnesses' statements and physicians' statements show that the victim's (COLEMAN) statement about the level of his cooperation with the officers shows him to be not credible.

This case will be closed as unfounded/baseless.

MC:tlis  
02-244 cfr.

REVIEWING D.A.	P.O./DET. ASSIGNED DET. CHAPERON	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	VICTIM NOTIFIED BY
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input checked="" type="radio"/> UNFOUNDED/BASELESS <input type="radio"/> NO PROSECUTION DESIRED	<input type="radio"/> PROPERTY RECOVERED <input type="radio"/> WARRANT REFUSED <input type="radio"/> ARREST UNDER 18 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATE: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<input type="radio"/> A. Death of Offender <input type="radio"/> B. Prosecution Declined	<input type="radio"/> C. Extradition Denied <input type="radio"/> D. Refused to Cooperate <input type="radio"/> E. Juvenile, no custody <input type="radio"/> F. Not Applicable
JUSTIFIABLE HOMICIDE INFORMATION	<input type="radio"/> A. SUSP ATTCKD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTCKD CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF CRIME <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. DEAN NEWPORT  
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of  
Attorney

RECEIVED  
03 JUN -9 AM 11:31  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on SEPTEMBER 3, 2002
- 2) A citizen's complaint made by BREANTE COLEMAN
- 3) A police shooting incident occurring on N/A

Is this information correct? YES  NO

Did you receive legal representation in this matter? YES  NO

Your signature: [Signature]

Print your name: Dean Newport

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

[Signature]  
Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. MICHAEL PENDERGAST  
DISTRICT FOUR

RE: Receipt of Legal Services from Law Firm of  
Attorney

03 JUN 11 PM 12:50  
RECEIVED  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on SEPTEMBER 3, 2002
- 2) A citizen's complaint made by BREANTE COLEMAN
- 3) A police shooting incident occurring on N/A

Is this information correct? YES X NO \_\_\_\_\_

Did you receive legal representation in this matter? YES X NO \_\_\_\_\_

Your signature: *Michael Pendergast*

Print your name: Michael Pendergast

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

*Steven M. Settingsgaard*  
SMS

Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. ROBERT LACY  
DISTRICT FOUR

RE: Receipt of Legal Services from Law Firm of  
Attorney

MILWAUKEE POLICE DEPARTMENT  
INTERNAL AFFAIRS  
DIVISION

03 JUN 11 PM 12:50

RECEIVED

Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on SEPTEMBER 3, 2002
- 2) A citizen's complaint made by BREANTE COLEMAN
- 3) A police shooting incident occurring on N/A

Is this information correct? YES   ✓   NO           

Did you receive legal representation in this matter? YES   ✓   NO           

Your signature: Robert Lacy

Print your name: Robert Lacy

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

*Steven M. Settingsgaard*  
KJS  
Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. MICHAEL DESTEFANIS  
DISTRICT FOUR

RE: Receipt of Legal Services from Law Firm of  
Attorney

RECEIVED  
MILWAUKEE POLICE DEPARTMENT  
INTERNAL AFFAIRS DIVISION  
03 JUL 14 PM 1:40

Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on SEPTEMBER 3, 2002
- 2) A citizen's complaint made by BREANTE COLEMAN
- 3) A police shooting incident occurring on N/A

Is this information correct? YES  X  NO

Did you receive legal representation in this matter? YES  X  NO

Your signature:  Michael P. Destefanis   
Print your name:  Michael P. Destefanis

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

Steven M. Settingsgaard   
Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs